IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3245 OF 2006

Hotchand Ghanshamdas Tanna
and Ors. .. Applicants

Versus

State of Maharashtra .. Respondent

Mr.Ganesh Gole for applicants
Ms.M.M.Deshmukh, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 11th September 2006.

P.C.

. Mr.Mundergi had stated on the last

occasion that the original complainant and the applicants were trying to negotiate for an overall settlement of the dispute.

2. Original complainant is present in court. She was present in court when this statement was made on the last occasion as well.

3. Today, Mr.Mundergi informs me that the dispute has been settled and that the complainant has no objection to the flats being handed over to the applicants who are the purchasers of the same pursuant to an agreement.

4. Even otherwise, from a perusal of this application and the annexures thereto, it appears to me that the flats were agreed to be sold and the consideration was also paid. There is a clause in the agreement that the purchaser has received possession of the flats.

5. Thus, the entire dispute is, prima facie, civil in nature and arising out of the alleged breaches of the agreement for sale and reciprocal obligations thereunder.

6. Now that the dispute is settled and even otherwise, having regard to the above, this application deserves to be granted.

7. Hence, the following order:-

i) In the event of the arrest of the applicants (1) Mr.Hotchand Ghanshamdas Tanna, (2) Raju Ghanshamdas Tanna, (3) Ghanshamdas P. Tanna, (4) Mohan P. Tanna, (5) Seval P. Vaswani and (6) Smt.Mohini Vaswani in connection with C.R.No.I-165 of 2006 registered with Cental Police Station Ulhasnagar the applicants shall be enlarged on bail in the sum of Rs.10,000/- with one or two

sureties in the like amount.

ii) The bail is granted subject to condition that the applicants will attend the Central Police Station, Ulhasnagar as and when required.

iii) Bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicants shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any

finding or any expression of opinion on the merits of the case at the time of trial

v) This order will enure to the benefit of the applicants only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)